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OFFICE OF PETITIONS

In re Application of :
Janet Wasowicz et al :
Application No. 09/912,681 : DECISION REFUSING STATUS
Filed: July 24, 2001 : UNDER 37 CFR 1.47(a)
For: DIAGNOSTIC SYSTEM AND METHOD :
FOR PHONOLOGICAL AWARENESS, :
PHONOLOGICAL PROCESSING, AND :
READING SKILL TESTING :

This is in response to the petition under 37 CFR 1.47(a), filed March 4, 2002.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor.
FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.
Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee; and
- (4) a statement of the last known address of the non-signing inventor.

Applicant lacks item (2) as set forth above.

In regards to requirement (2), petitioner has not submitted an oath or declaration in compliance with 37 CFR 1.63 and 1.64. The declaration submitted does not set forth the citizenship, residence, and mailing address of nonsigning Wasowicz. Accordingly, a new oath or declaration signed by all the nonsigning inventors on behalf of themselves and on behalf of the nonsigning inventor in compliance with 37 CFR 1.63 and 1.64 is required.

In order to expedite consideration of the petition under 37 CFR 1.47(a), petitioner may wish to consider submitting the renewed petition by facsimile transmission to the telephone number indicated below and to the attention of Karen Creasy.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA

Telephone inquiries related to this decision should be directed to Karen Creasy at (703) 305-8859.



Frances Hicks
Lead Petitions Examiner
Office of Petitions
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for Patent Examination Policy